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for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

EDWIN MICHALOVE,

Defendant.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04786 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL WITHOUT
PREJUDICE OF DEFENDANT EDWIN MICHALOVE**

Irving H. Picard, trustee (the “Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. § 78aaa et seq., and Bernard L. Madoff (“Madoff”) individually (collectively, the “Debtors”), and plaintiff in the above-referenced adversary proceeding (the “Adversary Proceeding”), by and through his counsel, Baker & Hostetler LLP, and Defendant Edwin Michalove, (the “Defendant”), by and through the Trustee of his Estate, Diane P. Powers, Successor Trustee of the Edwin B. Michalove Trust (collectively, the “Parties”), hereby stipulate and agree to the following (the “Stipulation”):

1. On December 1, 2010, the Trustee filed a Complaint against the Defendant. See ECF 1.
2. One February 10, 2011 the Trustee served the Complaint on the Defendant. See ECF 4.
3. On June 15, 2015, this Court issued a Memorandum Decision Regarding Omnibus Motions to Dismiss, dismissing claims in this matter other than those asserted pursuant to 11 U.S.C. § 548(a)(1)(A). See ECF 39-43.
4. On September 4, 2016, Helen Chaitman, his counsel of record at the time, filed a Notice of Presentment of an Order Granting Application to Withdraw as Counsel. See ECF 43, 45..
5. On September 18, 2015, the Defendant served an Answer on the Trustee. See ECF 44.

6. On September 21, 2015, an Order was signed Granting Helen Chaitman's Application to Withdraw as Counsel. See ECF 45.
7. On August 13, 2016, the Defendant died in Santa Monica, California.
8. No probate has been opened for the Defendant.
9. The Defendant's assets were all included in the Edwin B. Michalove Trust dated July 28, 2015.
10. On August 13, 2016, Diane Polier Powers, the Defendant's niece, accepted the role of Successor Trustee of the Edwin B. Michalove Trust.
11. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal of the Trustee's claims against the Defendant in the above-captioned adversary proceeding.
12. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.
13. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: December 20, 2016

By: /s/ Jonathan B. New
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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Estate of Bernard L. Madoff*

By: /s/ Diane Polier Powers
Diane Polier Powers
Successor Trustee of the Edwin B.
Michalove Trust
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SO ORDERED

Dated: January 4th, 2017
New York, New York

/s/ STUART M. BERNSTEIN
HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE